

**STATE OF MICHIGAN**  
**BEFORE THE MICHIGAN JUDICIAL TENURE COMMISSION**

**IN THE MATTER OF:**

**FORMAL COMPLAINT NO. 72**

**HON. M. T. THOMPSON, JR.**  
**Judge 70<sup>th</sup> District Court**  
**111 S. Michigan Avenue**  
**Saginaw, Michigan 48602**

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**ANSWER TO COMPLAINT**

Respondent, Hon. M. T. Thompson, Jr., by his attorney Philip J. Thomas, answers  
Formal Complaint No. 72, as follows:

**COUNT I: DIRECT SOLICITATION OF FUNDS, ABUSE OF JUDICIAL POSITION**

- 1) Respondent admits the allegations contained in Paragraph 1. Respondent adds that his work on this youth program was the result of his love of children and his desire to help address problems faced by school age children in our public school system.
- 2) Respondent admits the allegations contained in Paragraph 2.
- 3) Respondent admits the allegations contained in Paragraph 3. Answering further, Respondent states that in 2001 he had more than one meeting and sent several confirming letters to the individuals mentioned in this paragraph.

- 4) Respondent admits the allegations contained in Paragraph 4, and adds that he completed the first draft of Bullyproof in July, 2001.
- 5) Respondent admits that he received \$1,000.00 for speaking at both events, however, doing so was not unethical, illegal or otherwise inappropriate. Respondent had spent large amounts of his own money on the youth program(s) he was developing. Respondent would add that this money was properly reported to the State Court Administrator on the appropriate form. Answering further, Respondent states that the monies received by Respondent were spent on the youth program(s) Respondent was working on at the time.
- 6) Respondent admits the allegations contained in Paragraph 6.
- 7-9) Respondent admits the allegations contained in Paragraphs 7 - 9. Further answering the same paragraphs, Respondent states that on or about March 8, 2002, he telephonically advised Mr. J. Bruce Kilmer, Regional Administrator of these solicitations once he determined that they were inappropriate. By letter dated March 11, 2002, Respondent forwarded Mr. Kilmer copies of the solicitation letters which were then forwarded to the Judicial Tenure Commission (JTC).
- 10) Respondent denies the allegations in Paragraph 10, as they are not true. At no time did Respondent make misrepresentations regarding the Michigan Department of Education, the State Court Administrator's Office, and/or the Michigan Judicial Institute's agreement to sponsor the youth program. In fact, on several occasions during the period in question, Respondent wrote to key individuals confirming the sponsorship agreements. The following correspondence are appended in support of Respondent's denial:

- a) A letter from Respondent to State Court Administrator John D. Ferry, Kevin J. Bowling, Director of the Judicial Institute, and Dr. Donald B. Weatherspoon, Assistant Superintendent of the Michigan Department of Education, dated April 24, 2001, in which Respondent confirmed the sponsorship agreement reached at an April 20, 2001 meeting (see Attachment 1).
- b) A letter from Respondent to John D. Ferry and Kevin J. Bowling, dated August 27, 2001, in which Respondent referenced the sponsorship (see Attachment 2).
- c) A letter from Respondent to Michigan Supreme Court Justice Elizabeth A. Weaver, dated October 29, 2001, in which Respondent updated Justice Weaver on the Making Choices and Facing Consequences program and referenced the sponsorship (see Attachment 3).
- d) A letter from Respondent to Michigan Supreme Court Chief Justice Maura D. Corrigan, dated October 29, 2001, in which Respondent invited Chief Justice Corrigan to appear at the Saginaw County Bar Association Law Day Banquet and also referenced the sponsorship (see Attachment 4).
- e) A letter from Respondent to Michigan Supreme Court Justice Marilyn J. Kelly, dated December 7, 2001, in which Respondent introduced Justice Kelly to the Making Choices and Facing Consequences program and referenced the sponsorship (see Attachment 5).
- f) A letter from Respondent to Michigan Supreme Court Justice Robert P. Young, Jr., dated December 7, 2001, in which Respondent introduced Justice Young to the Making Choices and Facing Consequences program and referenced the sponsorship (see Attachment 6).

Further answering Paragraph 10, Respondent states that not one of the confirming letters referenced above, resulted in any of the recipients writing



to correct or contradict Respondent's understanding of the various sponsorship agreements.

- 11) Respondent admits the allegations contained in Paragraph 11.
- 12) Respondent admits the allegations contained in Paragraph 12.
- 13) Respondent denies the allegations in Paragraph 13, including subparagraphs (A) and (B), as they are not true. Further answering, Respondent states that a letter previously submitted to the JTC by Attorney James A. Brisbois, Jr., Co-Chairperson of the Saginaw County Bar Association's 2002 Law Day and the Saginaw County Bar Association's Board of Directors September and/or October, 2002 Minutes will confirm that the Bar Association had knowledge of Respondent's efforts on its behalf (see Attachment 7).
- 14) Respondent denies the allegations in Paragraph 14, as they are untrue. At all times material hereto Respondent was on the Saginaw County Bar Association Board of Director and Law Day Committee. As a member of the Law Day Committee, Respondent was responsible for securing a facility for the Law Day Banquet, negotiating the contract for the banquet facility, securing a speaker for the Law Day Banquet, ordering the tickets for the Law Day Banquet, helping to advertise the various Law Day events, and presiding over part of the mock trial proceedings.
- 15 – 17) Respondent admits the allegations contained in Paragraphs 15 – 17. Further, Respondent states that on or about March 8, 2002, he telephonically advised Mr. J. Bruce Kilmer, Regional Administrator, of the solicitations once he determined that they were inappropriate. By letter dated March 11, 2002,

Respondent forwarded Mr. Kilmer copies of the letters which were then forwarded to the JTC.

18 – 20) Respondent admits the allegations contained in Paragraphs 18 – 20.

## **COUNT II: FAILURE TO COOPERATE WITH COMMISSION INVESTIGATION**

21 – 24) Respondent admits the allegations in Paragraphs 21-24. Further, Respondent would add that he did not fail to cooperate with the JTC's investigation or its "reasonable request." In support of his position the Respondent states as follows:

- a) Respondent was not represented by counsel in his dealings with the JTC. Respondent did not have experience in disciplinary matters and Respondent truly believes that his lack of representation worked to his disadvantage in this matter.
- b) On June 24, 2002, Paul J. Fischer, JTC Executive Director and General Counsel, sent Respondent a 28-day letter listing ten specific allegations of misconduct.
- c) On July 15, 2002, Respondent admitted eight allegations concerning the solicitation of funds and denied two allegations concerning misrepresentations. Respondent also provided Mr. Fischer with a detailed chronology of his meetings with Dr. Weatherspoon, Mr. Ferry and Mr. Bowling, and copies of the various confirming letters.

- d) On December 11, 2002, approximately six months later, Mr. Fischer issued a supplement to the 28-day letter requesting additional information and documents.
- e) By letter dated January 7, 2003, Respondent responded to the December 11, 2002 letter and requested a copy of the two grievances which were filed against him. Respondent was never provided with the grievances filed against him. Respondent believed at the time, and still believes, that constitutional due process guarantees entitled him to see the grievances filed against him.
- f) On January 16, 2003, the JTC through Anna Marie Noeske, Staff Attorney, issued a handwritten subpoena requesting voluminous additional documents and financial records.
- g) On January 27, 2003, Respondent complied with the subpoena. While many of the financial records requested by Attorney Noeske did not exist, Respondent created them from available information. The Respondent's January 27, 2003, letter in relevant part stated:

"Despite my request, I still have not received a copy of the two outstanding grievances against me. Fundamental fairness and due process require their production. A judge should not be required to shadow-box with vague and general allegations of misconduct of unfounded suspicions of wrongdoing..."
- h) On February 3, 2003, Attorney Noeske requested additional documents and information. On March 20, 2003, Attorney Noeske issued a subpoena for those documents. Respondent initially refused

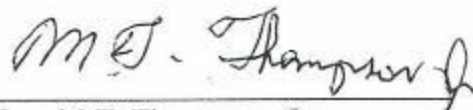
to provide these additional documents until he received a copy of the grievances filed against him.

- i) On July 30, 2003, Respondent, through his newly retained attorney fully complied with Attorney Noeske's subpoena and request for additional documents and records. To date, Respondent still has not received a copy of the grievances filed against him.

- 25) Paragraph 25(a) through (i) are legal conclusions which require no answer. However, to the extent that a master or the JTC believes an answer is required, Respondent incorporates by reference Paragraphs 1 - 24 of this answer and denies the conclusions as being untrue.

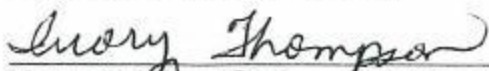
WHEREFORE, Respondent respectfully requests that the JTC's allegations alleging misrepresentations be dismissed and that the matter proceed on those allegations involving only solicitation.

Respectfully submitted by,



Hon. M.T. Thompson, Jr.

Subscribed and sworn to before me this 20  
Day of AUGUST, 2003.



Notary Public, SAGINAW County, MI

My Commission Expires: 10/1/04

IVORY C. THOMPSON  
Notary Public, Saginaw County, MI  
My Commission Expires Oct 1, 2004



Philip J. Thomas

(P31298)



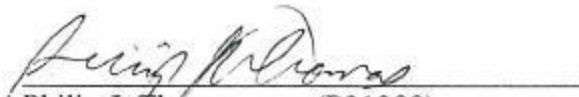
## AFFIRMATIVE DEFENSES

### Mistake of Fact

In response to the JTC allegations of misrepresentation set forth in paragraphs in the Complaint, including such allegations set forth in paragraphs 10 and 13(A) and (B), Respondent asserts the affirmative defense of mistake of fact. In support of this defense, Respondent incorporates, by reference, the confirming letters appended as Attachments 1-6 regarding his understanding that the Michigan Board of Education, the Michigan Supreme Court acting through the State Court Administrator's Office, and the Michigan Judicial Institute had agreed to sponsor the youth program(s). In addition, Respondent will prove at trial that none of the recipients of the confirming letters wrote to contradict Respondent's understanding regarding the sponsorship.

Respectfully submitted by,

  
Hon. M.T. Thompson, Jr.

  
Philip J. Thomas (P31298)